Crl.Misc. No.80451-M of 2006

Raj Pal vs. State of Haryana.

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Present:- Mr.P.M.Anand Advocate
for the petitioner.

Mr.Narinder Sura, AAG Haryana.

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Heard learned counsel for the parties.

The petitioner seeks registration of FIR on the basis of Rapat No.11 dated 17.6.2006 which it is stated has been lodged at P.S. Sadar, Gurgaon. It is submitted that the petitioner vide representation dated 30.6.2006 (Annexure P-4) also approached the Senior Superintendent of Police, Gurgaon. However, no action has been taken.

After hearing learned counsel for the parties and perusing the paper book, in my opinion, the factual aspects as raised in the present petition are not to be gone into in exercise of jurisdiction under Section 482 Cr.P.C.

In the circumstances, it would be appropriate, to note that the petitioner has an alternative remedy of filing a complaint in terms of Section 156 (3) Cr.P.C., in the light of the observations of the Supreme Court in Madhu Bala Vs. Suresh Kumar, AIR 1997 Supreme Court 3104. Therefore, the petitioner may, if so advised, avail the said remedy in the first instance.

Accordingly, the present criminal miscellaneous stands disposed of.

(S.S.SARON)
JUDGE

May 2,2007
Reema